

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER R-09-004**

*Relating to Amendments to the Current Spark-Ignition Marine Engine and Boat Regulations*

WHEREAS, on July 24, 2008, the Air Resources Board (ARB or the Board) conducted a public hearing to consider adopting amendments to the California regulations and test procedures for new 2009 and later spark-ignition (gasoline) marine engines and boats, as set forth in the Initial Statement of Reasons released to the public on June 6, 2008;

WHEREAS, following the public hearing on July 24, 2008, the Board adopted Resolution 08-36 in which the Board approved the proposed amendments to California Code of Regulations, title 13, sections 2111, 2112 (including Appendix A), 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445, and the repeal of section 2448, as set forth in Attachment A thereto, and the proposed amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 and Later Spark-Ignition Marine Engines," which is incorporated by reference in section 2447, as set forth in Attachment B thereto, and the proposed amendments to the "Procedures for the Exemption of Add-On and Modified Parts for Off-Road Categories," which is incorporated by reference in section 2474, as set forth in Attachment C thereto, with the modifications set forth in Attachment D thereto.

WHEREAS, Resolution 08-36 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A, B, C, and D to Resolution 08-36, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on March 25, 2009, and May 14, 2009, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for periods of 15-days each, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, written comments were received during both of the 15-day comment periods and those comments have been considered by the Executive Officer.  
NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 08-36 are incorporated by reference herein.

IT IS FURTHER ORDERED that amendments to California Code of Regulations title 13, sections 2111, 2112 (including Appendix A), 2139, 2147, 2440, 2441, 2442, 2443.1,

2443.2, 2443.3, 2444.1, 2444.2, 2445, and the repeal of section 2448, , as set forth in Attachment 1 hereto, and the proposed amendments to the “California Exhaust Emission Standards and Test Procedures for 2001 and Later Spark-Ignition Marine Engines,” which is incorporated by reference in section 2447, as set forth in Attachment 2 hereto, and the proposed amendments to the “Procedures for the Exemption of Add-On and Modified Parts for Off-Road Categories,” which is incorporated by reference in section 2474, as set forth in Attachment 3 hereto, are adopted.

Executed this 5th day of June, 2009, at Sacramento, California.

/s/

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James N. Goldstene  
Executive Officer

Attachments